

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Civil No. 13-151 (JNE/JJK)  
ORDER

Melvin Wing,

Defendant.

This case is before the Court on a Report and Recommendation issued by the Honorable Jeffrey J. Keyes, United States Magistrate Judge, on April 9, 2013. The magistrate judge recommended granting the Government's Petition to Determine Present Mental Condition of an Imprisoned Person Due for Release under 18 U.S.C. § 4246. The magistrate judge recommended that Defendant Melvin Wing be found to be suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another or of serious damage to property of another. Wing objected to the Report and Recommendation, and the Government responded. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 15].

Therefore, IT IS ORDERED THAT:

1. The Government's petition under 18 U.S.C. § 4246 [Docket No. 1] is GRANTED;
2. Wing is found to be suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another or serious damage to property of another, and the treatment of that mental disease or defect requires hospitalization in a suitable psychiatric facility;

3. FMC-Rochester or a similar United States Bureau of Prisons medical center is a suitable facility at which to treat Wing's mental illness;
4. Suitable arrangements for State custody and care of Wing are presently unavailable;
5. Wing is committed to the custody of the United States Attorney General; and
6. The United States Attorney General shall hospitalize Wing at FMC-Rochester or a similar Bureau of Prisons medical center.

Dated: May 15, 2013

s/Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge